

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

U.S. DISTRICT COURT
FILED AT WHEELING, WV
DEC 15 1997
NORTHERN DISTRICT OF WV
OFFICE OF THE CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

JAMES R. ROGERS,)

Defendant.)

Criminal Action No.
1:96CR-43-02

MOTION TO POSTPONE SENTENCING HEARING

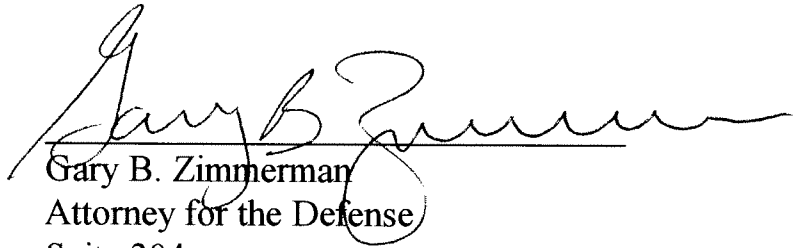
AND NOW, Comes the defendant James Richard Rogers by his attorney Gary B. Zimmerman and moves this Honorable Court for an order postponing the sentencing hearing set for January 12, 1998 until a time convenient to the court after January 26, 1998.

1. A sentencing hearing is scheduled for January 12, 1998.
2. Counsel for the defendant has a previous commitment from January 7, 1998 until January 26, 1998.
3. Counsel for the government has advised counsel for the defendant that he has no objection to postponing the sentencing hearing.
4. The defendant and his counsel request that the court postpone the sentencing hearing to a date after January 26, 1998.

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5. Counsel for the defendant advises the court that he also is unavailable of February 5th and 6th, 1998 due to scheduled court appearances in the United States District Court for the Western District of Pennsylvania.

WHEREFORE , the defendant requests that the sentencing hearing set for January 12, 1998 be rescheduled.

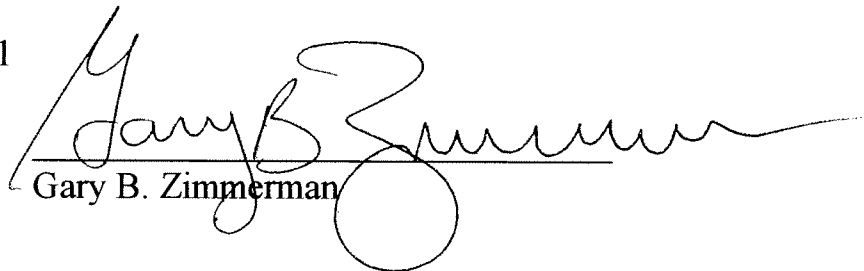


Gary B. Zimmerman
Attorney for the Defense
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Certificate of Service

I hereby certify that I have served a true and complete copy of the motion to Postpone Sentencing on the following by U.S.Mail on the 12th day of December 1997 on:

David Goodwin
Assistant United States Attorney
PO Box 591
Wheeling, West Virginia 26003-0011



Gary B. Zimmerman